

STEPHEN J. AKERLEY (S.B. #160757)
sakerley@omm.com

ERIC J. AMDURSKY (S.B. #180288)
eamdursky@omm.com

PETER T. SNOW (S.B. #222117)
psnow@omm.com

O'MELVENY & MYERS LLP
2765 Sand Hill Road
Menlo Park, California 94025
Telephone: (650) 473-2600
Facsimile: (650) 473-2601

JILLIAN R. WEADER (S.B. #251311)
jweader@omm.com

O'MELVENY & MYERS LLP
2 Embarcadero Center, 28th Floor
San Francisco, CA 94111
Telephone: (415) 984-8700
Facsimile: (415) 984-8701

Attorneys for Defendants
DEVICEVM, INC. a Delaware corporation, and
BENEDICT CHONG, an individual

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PHOENIX TECHNOLOGIES, LTD., a
Delaware corporation,

Plaintiff,

v.

DEVICEVM, Inc., a Delaware corporation,
and BENEDICT CHONG, an individual,

Defendants.

DEVICEVM, Inc., a Delaware corporation,
Counterclaimant,

v.

PHOENIX TECHNOLOGIES LTD., a
Delaware corporation,

Counterclaim-defendant.

CASE NO. C 09-04697-CW (EDL)

**JOINT STIPULATION AND ORDER
THAT MOTION TO DISMISS
COUNTERCLAIM FOR TORTIOUS
INTERFERENCE IS NOW MOOT**

Judge: Hon. Claudia A. Wilken

Trial Date: None Set

ATTESTATION

I, Peter T. Snow, am the ECF User whose ID and password are being used to file this Joint Stipulation and [Proposed] Order that Motion to Dismiss Counterclaim for Tortious Interference Is Now Moot. In compliance with General Order 45. X.B., I hereby attest that Karineh Khachatourian has concurred in this filing.

Dated: January 21, 2010

STEPHEN J. AKERLEY
ERIC J. AMDURSKY
PETER T. SNOW
JILLIAN R. WEADER

O'MELVENY & MYERS LLP


By: _____/s/

Peter T. Snow
Attorneys for Defendants
DeviceVM, Inc. and Benedict Chong

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/25/10

By: _____


The Honorable Claudia A. Wilken
United States District Judge

MP1:1188710.1